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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Robert Richard Spurling, III,
10 Petitioner,
11 v.
12 Charles L Ryan, et al.,
13 Respondents.
14

No. CV-15-08132-PCT-DLR

ORDER

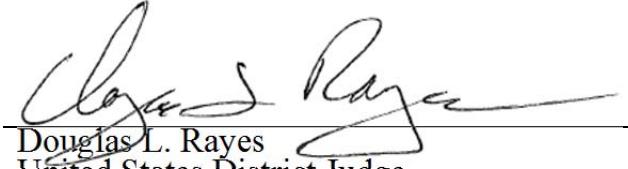
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16 Pending before the Court are Petitioner Robert Spurling's Sealed Petition for Writ
17 of Habeas Corpus and Magistrate Judge John Boyle's Report and Recommendation
18 ("R&R"). (Docs. 1, 20). The R&R recommends that the Court deny the Petition. (Doc.
19 20 at 18). The Magistrate Judge advised the parties that they had fourteen days to file
20 objections to the R&R and that failure to file timely objections could be considered a
21 waiver of the right to obtain review of the R&R. (*Id.* at 19 (citing Fed. R. Civ. P. 72(b);
22 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

23 Neither party filed objections, which relieves the Court of its obligation to review
24 the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985)
25 ("[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the
26 subject of an objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must determine de
27 novo any part of the magistrate judge's disposition that has been properly objected to.").
28 The Court has nonetheless reviewed the R&R and agrees with Magistrate Judge Boyle's

1 recommendations. The Court will accept the R&R and deny the Petition. *See* 28 U.S.C.
2 § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or in
3 part, the findings or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3)
4 (“The district judge may accept, reject, or modify the recommended disposition; receive
5 further evidence; or return the matter to the magistrate judge with instructions.”).

6 **IT IS ORDERED** that Magistrate Judge Boyle’s R&R (Doc. 20) is **ACCEPTED**,
7 Petitioner’s Sealed Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED**, a
8 Certificate of Appealability is **DENIED**, and Petitioner may not proceed in forma
9 pauperis on appeal. The Clerk shall terminate this action.

10 Dated this 13th day of June, 2016.

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Douglas L. Rayes
United States District Judge